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REMARKS

Claims 1-15, 17-26, 28-34, 36-52, and 54-55 are all the claims pending in the application. Claims 1-26 and 28-55 stand rejected on prior art grounds; claims 16, 35, and 53 have been cancelled. Applicants respectfully traverse these rejections based on the following discussion.

**I. The Prior Art Rejections**

Claims 1-6, 9-13, 15-17, 19-24, 28-32, 34-36, 38-43, 46-50, and 52-54 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beldock (U.S. Patent No. 6,490,565). Claims 7, 18, 25, 37, 44, and 55 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beldock, in view of Petke, et al. (U.S. Patent No. 6,163,732), hereinafter referred to as Petke. Claims 8, 26, and 45 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beldock, in view of Barrett, et al. (U.S. Patent No. 6,029,144), hereinafter referred to as Barrett. Claims 14, 33, and 51 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beldock, in view of Smalley, et al. (U.S. Patent No. 6,067,549), hereinafter referred to as Smalley. Applicants respectfully traverse these rejections based on the following discussion.

The claimed invention provides a method for monitoring environmental performance information and providing notification when the performance information indicates performance reaching a predetermined level. In the rejection, the Office Action argues that Beldock discloses many features of the claimed invention. However, Beldock teaches setting uniform performance criteria; and as such, Beldock teaches against setting

the performance criteria to different levels (e.g., global, regional, or site-specific). Furthermore, contrary to the position taken in the Office Action, Beldock fails to teach modifying performance immediately subsequent to the notification so that the modifying occurs in real time. Instead, Beldock discloses that participants are given a short period of time in which to correct any inadvertent defects in its compliance. Therefore, as explained in greater detail below, Applicants respectfully submit that the prior art of record does not teach or suggest the claimed invention.

Applicants traverse the rejections because Beldock fails to teach or suggest that the performance criteria may be set at a global, a regional, or a site-specific level. Such a feature is defined in independent claims 1, 19, and 38 using similar language.

More specifically, Applicants traverse the rejections because Beldock teaches against setting performance criteria to a global, a regional, or a site-specific level. As described in the abstract and column 6, lines 10-19 of Beldock, the data processing method for an environmental certification program provides *uniform criteria* for participants in the program. As such, the certification mark provided by the program to a complying participant has discernable value in the marketplace. In addition, the continued display of the certification mark by a participant on its goods and in its advertising signifies the participant's dedication to environmental concerns and the willingness of the participant to act to be a model environmental citizen.

Conversely, as discussed in paragraph 0035 of Applicants' disclosure, performance data criteria may be set at a global, regional or site level. This flexible

system for setting performance levels allows for site-specific criteria to be set for a facility while corporate-wide criteria to be set for goals affecting all or some locations.

Accordingly, Applicants submit that Beldock teaches setting uniform performance criteria; and as such, Beldock teaches against setting the performance criteria to different levels (e.g., global, regional, or site-specific). Therefore, it is Applicants' position that Beldock fails to teach or suggest the claimed feature "wherein said performance criteria is set at one of a global, a regional, and a site-specific level" as defined by independent claims 1, 19, and 38.

Furthermore, Applicants traverse the rejections because the prior art of record fails to teach or suggest that the modifying of the performance is conducted immediately subsequent to the providing of the notification so that the modifying of the performance occurs in real time. Such features are defined in independent claims 1, 19, and 38 using similar language.

More specifically, as described in paragraph 0010 of Applicants' disclosure, the performance indicator and notification system (PINS) provides a mechanism for assessing environmental performance on a real-time basis and allowing immediate notification to corporate staff or other environmental professionals when performance data deviates from the established criteria. As further described in paragraph 0042 of Applicants' disclosure, PINS provides real-time analysis of performance data, as opposed to a retrospective view on performance passed the elapsed measurement period so that comprehensive company-wide monitoring of performance is accomplished in a manner such that data entered in a single site is accessible, in real-time, at other sites to perform

thresholding on limits set at multiple sites, all sites, or just the local site. PINS makes the entire process of performance tracking against criteria systematic, timely and efficient; and turns lagging indicators into leading indicators by way of providing real-time performance feedback.

The Office Action expressly acknowledges that "Beldock does not explicitly teach said modifying of said performance occurring in real time" (Office Action, p. 10, para. 2). However, the Office Action asserts that Beldock teaches that participants are given "a short period of time" in which to correct any inadvertent defects in its compliance (Office Action, p. 10, para. 2).

Applicants respectfully submit that giving participants a *short period of time* to correct defects teaches away from modifying performance *immediately subsequent* to notification of such defects so that the modifying occurs in *real time*. In other words, if action B is performed a short time after action A, then action B is not performed *immediately subsequent* to action A so that action B occurs in *real time*.

Accordingly, Applicants submit that Beldock fails to teach modifying performance immediately subsequent to the notification so that the modifying occurs in real time. Instead, Beldock discloses that participants are given a short period of time in which to correct any inadvertent defects in its compliance. Therefore, it is Applicants' position that Beldock fails to teach or suggest the claimed feature "wherein said modifying said performance is conducted immediately subsequent to said providing notification when said performance information deviates from said performance criteria

so that said modifying of said performance occurs in real time" as defined by independent claims 1, 19, and 38.

Applicants further traverse the rejections because Beldock fails to teach or suggest automatically creating an audit trail to the forms, wherein the audit trail comprises: a name of an author; a creation date; a name of a modifying user; and, a date of modification. Such features are defined in independent claims 1, 19, and 38 using similar language.

More specifically, as described in paragraph 0027 of Applicants' disclosure, as an added security feature, an audit trail is automatically created for each document. At the creation of a document, it is stamped with the name of the author and the creation date. Each time the document is modified, the name of the user that made the modification and the date of the edit are added to the audit trail.

The Office Action expressly acknowledges that "Beldock does not explicitly teach automatically creating an audit trail to the forms" (Office Action, p. 16, para. 3). However, the Office Action asserts that it is "old and well known" in the computing arts that computer operating systems use Master File Tables to store resident attributes for each computer file, including the filename, data, times of creation/modification or access and the user who last created/modified/accessible said file (Office Action, p. 17, para. 2). Moreover, the Office Action asserts that it is "old and well known" in the computing arts to create audit trails of data usage within the system, especially within databases (Office Action, p. 17, para. 3). Nevertheless, the Office Action fails to reference any support to maintain such assertions.

In addition, Applicants traverse the rejections because, contrary to the position taken in the Office Action (Office Action, pp. 3-4), it is not old and well known in the art to include instructions and definitions along with performance information. It is not old and well known in the art that forms are used in transmitting data (such as Electronic Data Interchange, survey results, questionnaires, facsimile, e-mail, etc.). It is not old and well known in the business arts that an organization can comprise a single site, or multiple sites. Distributing notification memos or documents using e-mail, telephone, facsimile, pager, or postal mail is not old and well-known practice. It is not old and well known in the art to employ a ratio (such as a cost: savings, cost: benefit ratio) or similar means of comparison to express the advantages of using new technologies, equipment, policies, etc. and are used to evaluate efficiency of resources Access control privileges are established by a system administrator and users are granted different privileges that reflect their standing within the organization.

Moreover, querying and querying languages (such as Structured Query Language {SQL}) are not old and well known in the computing and database arts. It is not old and well known in the computing arts and database arts that database queries select records from one or more tables in a database according to a set of input parameters so that they can be viewed, stored, analyzed, on a common datasheet.

Further, it is not old and well known that compliance data needs to be upgraded to reflect changes in federal, state, and local laws and regulations, program requirements of federal and state funded programs, and industry standards (such as ISO certification, Quality Control Initiatives, etc.), as well as self-imposed rules and regulations.

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Therefore, it is Applicants' position that the proposed combination of Beldock, Petke, Barrett, and/or Smalley would not have resulted in the claimed invention and that independent claims 1, 19, and 38 are patentable over the prior art of record. Further, it is Applicants' position that dependent claims 2-15, 17-18, 20-26, 28-34, 36-37, 39-52, and 54-55 are similarly patentable, not only because of their dependency from a patentable independent claims, but also because of the additional features of the invention they defined. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections.

## II. Formal Matters and Conclusion

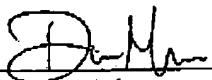
With respect to the rejections to the claims, the claims have been amended, above, to overcome these rejections. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections to the claims.

In view of the foregoing, Applicants submit that claims 1-15, 17-26, 28-34, 36-52, and 54-55, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary. Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 50-0510.

Respectfully submitted,

Dated: 1/10/07

  
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